

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FUNDAMENTAL SPORTS MANAGEMENT, LLC; §
RAHUL PATEL; GRANT GAINES; ROE-BRG §
INVESTMENTS, LLC; AND NICOLAS LAHOOD, § CIVIL ACTION NO. 5:20-cv-00774-FB
PLAINTIFFS, § (JURY TRIAL DEMANDED)
§
V. §
§
MAYAR ZOKAEI, §
DEFENDANT. §

PLAINTIFFS' MOTION TO REINSTATE

TO THE HON. FRED BIERY, U.S. DISTRICT JUDGE:

COME Now Plaintiffs Fundamental Sports Management, LLC (“**FSMPatelGainesRoeLahoodPlaintiffs**

1. On December 20, 2021, this Court signed the Order of Dismissal Without Prejudice and Judgment (the “**Dismissal Order- 2. Plaintiffs bring this motion pursuant to any rule authorizing the relief requested, or pursuant to the Court’s inherent power. Plaintiffs have been unable to identify a controlling standard of review for a motion to reinstate. However, it appears that such relief may be available under Fed. R. Civ. P. 54, 59, or 60, as well as this Court’s inherent authority.
- 3. This Court signed the Dismissal Order after the parties failed to comply with this Court’s order dated November 17, 2021 (Doc. No. 39), which ordered the parties to file an advisory regarding the status of the case.**

4. Plaintiffs and Defendant Mayar Zokaei (“**Defendant**”) did fail to comply with this Court’s order dated November 17, 2021 (Doc. No. 39). However, there has been substantial confusion regarding who is the attorney in charge for Defendant in connection with this civil action. Originally, Husein Hadi contacted counsel for Plaintiffs regarding this dispute. But, Paul A. Higdon initially appeared as the attorney-of-record for Defendant once this civil action commenced. Notwithstanding, counsel for Plaintiffs has primarily communicated with John D. Murphy as the attorney for Defendant in connection with this civil action. Ultimately, Husein Hadi reappeared asserting he was in charge of the representation of Defendant in this civil action.

5. Prior to the Dismissal Order, this Court on August 5, 2021, signed an order granting the motion for partial summary judgment of Plaintiffs FSM and Patel, whereby this Court granted those Plaintiffs summary judgment on their cause of action for debt owed on two promissory notes. Doc. No. 28.

6. Plaintiffs FSM and Patel request this Court grant this motion and reinstate this civil action for the limited purpose of rendering judgment in favor of these Plaintiffs in accordance with the order granting summary judgment. Doc. No. 28.

7. On January 11, 2022, Defendant filed his motion to reinstate (Doc. No. 8) in the related civil action styled and numbered *Zokaei v. Fundamental Sports Management, LLC, et al.*; Civil Action No. 5:20-cv-00775-FB; in the United States District Court for the Western District of Texas, San Antonio Division (the “**Related Action**”).

8. Plaintiffs oppose Defendant’s request to reinstate the Related Action and will be filing a response in opposition thereto. However, to the extent this Court grants the motion to reinstate the Related Action, then Plaintiffs (all of them, and not just FSM and Patel) conditionally request this Court also reinstate this civil action.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant this motion and award Plaintiffs all relief requested therein as well as such other and further relief, both general and special, at law or in equity, to which Plaintiffs may be entitled.

Respectfully submitted,

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that the date this document was filed with the Clerk of the Court, a true and correct copy was transmitted in accordance with the requirements of the Federal Rules of Civil Procedure, addressed as follows:

Via ECF Service:

Paul Higdon
John D. Murphy
Husein Hadi

/s/ Lance H. “Luke” Beshara
Lance H. “Luke” Beshara